

IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF VIRGINIA
RICHMOND DIVISION

UNITED STATES OF AMERICA

v.

ZACHARY FUQUA,

Defendant.

Case No. 3:23-CR- 119

STATEMENT OF FACTS

The United States and the defendant, ZACHARY FUQUA (hereinafter, “FUQUA”), agree that at trial, the United States would have proven the following facts beyond a reasonable doubt with admissible and credible evidence:

1. On or about March 29, 2021, in the Eastern District of Virginia, and within the jurisdiction of this Court, the defendant, ZACHARY FUQUA, knowingly possessed material that contained an image of child pornography, as defined in Title 18, United States Code, Section 2256(8), to wit, one or more digital files contained on a Western Digital, 1024GB external Hard Drive, Serial Number WX61A8031552, which had been mailed, shipped and transported using any means and facility of interstate and foreign commerce, and was produced using materials that had been mailed, shipped and transported in and affecting interstate and foreign commerce, including by computer.

2. In December 2020, agents with Homeland Security Investigations (“HSI”) received information that an individual with Kik username “notthatfamous” received a video of child pornography and sent a video of child pornography to another individual on Kik Messenger.

3. Law enforcement agents were able to identify the IP address used by Kik user “notthatfamous” on the dates in which child pornography was sent to or received by that Kik user.

The IP address was identified as belonging to Verizon Wireless. Records provided by Verizon Wireless showed that the IP address in question was assigned to FUQUA's residence in Richmond, Virginia during the relevant time frame during which child pornography was distributed by Kik user "notthatfamous" using that IP address.

4. On March 29, 2021, HSI agents executed a search warrant at FUQUA's residence in Richmond, Virginia. Pursuant to the search warrant, agents seized several electronic devices belonging to FUQUA. One of these devices was a Western Digital, 1024GB external Hard Drive, Serial Number WX61A8031552. The Western Digital external hard drive is manufactured outside of the Commonwealth of Virginia.

5. During execution of the search warrant, agents conducted a voluntary interview of FUQUA. FUQUA admitted that he used Kik username "notthatfamous" and that he had used Kik to view child pornography on the internet.

6. A subsequent forensic examination of the Western Digital, 1024GB external Hard Drive, Serial Number WX61A8031552, revealed that it contained images of child pornography. One such image depicts a nude, minor female sitting on the floor in front of a mirror using her phone to take a picture. She is holding her phone in one hand and using the other hand to spread open her vagina. The image constitutes child pornography as defined in 18 U.S.C. § 2256.

7. This statement of facts includes those facts necessary to support the plea agreement between the defendant and the United States. It does not include each and every fact known to the defendant or to the United States, and it is not intended to be a full enumeration of all of the facts surrounding the defendant's case.

8. The actions of the defendant, as recounted above, were in all respects knowing and deliberate, and were not committed by mistake, accident, or other innocent reason.

Respectfully submitted,

Jessica D. Aber
United States Attorney

Date: 10-19-23

By: Heather Mansfield & Kaitlin G. Coe
Heather Hart Mansfield
Assistant United States Attorney

After consulting with my attorney and pursuant to the plea agreement entered into this day between the defendant and the United States, I hereby stipulate that the above Statement of Facts is true and accurate, and that had the matter proceeded to trial, the United States would have proved the same beyond a reasonable doubt.

[Signature] 10/19/23
Zachary Fuqua
Defendant

I am the defendant's attorney. I have carefully reviewed the above Statement of Facts with him. To my knowledge, his decision to stipulate to these facts is an informed and voluntary one.

[Signature] 10/19/23
Elliott Bender
Attorney for Zachary Fuqua